

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

RACHEL A. BRIAN,

Plaintiff,

vs.

WINDMILL RIDGE, LLC.

Defendant.

3:13-cv-00197-MMD-WGC

ORDER

Before the court is Plaintiff's application to proceed in forma pauperis. (Doc. # 1.)¹

A person may be granted permission to proceed in forma pauperis if the person "submits an affidavit that includes a statement of all assets such [person] possesses [and] that the person is unable to pay such fees or give security therefor. Such affidavit shall state the nature of the action, defense or appeal and affiant's belief that the person is entitled to redress." 28 U.S.C. § 1915(a)(1). "[T]he supporting affidavits [must] state the facts as to the affiant's poverty with some particularity, definiteness, and certainty." *United States v. McQuade*, 647 F.2d 938, 940 (9th Cir. 1981) (per curiam) (citing *Jefferson v. United States*, 277 F.2d 723, 725 (9th Cir. 1960)). The litigant need not "be absolutely destitute to enjoy the benefits of the statute." *Adkins v. E.I. du Pont De Nemours & Co.*, 335 U.S. 331, 339 (1948).

A review of Plaintiff's financial affidavit reveals that she is unable to pay the filing fee. As a result, Plaintiff's application to proceed in forma pauperis (Doc. # 1) is **GRANTED**. However, the court notes that Plaintiff has not filed a complaint. Plaintiff has **thirty days** from the date of this Order

¹Refers to court's docket number.

1 to file her complaint. Once a complaint is filed, it will need to be screened pursuant to 28 U.S.C. §
2 1915(e)(2)(B). This provision applies to all actions filed in forma pauperis, whether or not the plaintiff
3 is incarcerated. *See Lopez v. Smith*, 203 F.3d 1122, 1129 (9th Cir. 2000) (en banc); *see also Calhoun*
4 *v. Stahl*, 254 F.3d 845 (9th Cir. 2001) (per curiam).

5 **CONCLUSION**

6 (1) Plaintiff's application to proceed in forma pauperis (Doc. # 1) is **GRANTED**. The movant
7 herein is permitted to maintain this action without the necessity of prepayment of fees or costs or the
8 giving of security therefor. This order granting in forma pauperis status does not extend to the issuance
9 of subpoenas at government expense.

10 (2) Once a complaint is filed, it will be screened by the court pursuant to 28 U.S.C. §
11 1915(e)(2)(B). After screening, the court will address the issue of service.

12 **IT IS SO ORDERED.**

13 DATED: October 30, 2013.

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16 WILLIAM G. COBB
17 UNITED STATES MAGISTRATE JUDGE
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